

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**S & S SALES, INC.,
Plaintiff,**

v.

Case No. 06C0354

**MARVIN LUMBER & CEDAR, INC.,
Defendant.**

**BUILDERS WORLD, INC.,
Plaintiff,**

v.

Case No. 06C0555

**MARVIN LUMBER & CEDAR, INC.,
Defendant.**

ORDER

Plaintiffs S & S Sales, Inc. and Builders World, Inc. filed suits in state court against defendant Marvin Lumber & Cedar, Inc., alleging that defendant wrongfully terminated distributorship arrangements with them. Defendant removed both cases to this court, and the cases were randomly assigned to different judges. Builder's World moved to consolidate the cases, and per our local rules, as the judge in the first filed matter in this district, it is my duty to decide the motion. Fed. R. Civ. P. 42(a) permits me to consolidate actions that involve a common question of law or fact. The decision whether or not to consolidate is committed to my sound discretion. Bradley v. Soo Line R.R. Co., 85 F.R.D. 307, 309 (E.D. Wis. 1980). While not all the issues in the two actions are identical, the cases do involve common questions of law including whether Marvin violated the

Wisconsin Fair Dealership Law. Further, if the cases are not consolidated, it is possible that there will be inconsistent adjudications of factual or legal issues, which would be undesirable. In addition, consolidation will serve the interests of judicial economy and convenience. See Heck v. Bd. of Trs., Kenyon College, 12 F. Supp. 2d 728, 747 (S.D. Ohio 1998) (stating that consolidation is a tool of judicial convenience and economy, and does not affect the substantive rights of the parties). Moreover, I can consolidate the cases without causing each case to lose its separate identity. Id. Therefore, consolidation will not prejudice any party.

Therefore,

IT IS ORDERED that for purposes of pretrial proceedings, case numbers 06C354 and 06C555 **ARE CONSOLIDATED**.

Dated at Milwaukee, Wisconsin this 7 day of June, 2006.

/s _____
LYNN ADELMAN
District Judge